

January 15, 2025

Devin Leary  
Human and Rohde, Inc.  
512 Virginia Avenue  
Towson, MD 21286

Re: 2339 Tickwood Road  
Critical Area Administrative Variance  
Tracking Number 07-24-4207

Dear Devin Leary:

A request for a variance from the Baltimore County Code Article 33, Title 2 Chesapeake Bay Critical Area Protection, was received by the Department of Environmental Protection and Sustainability (DEPS) on October 15, 2024. The request seeks a variance to impact 1,088 square feet of Critical Area Buffer for the renovation of an existing house and garage. The lot is in a Limited Development Area of the Chesapeake Bay Critical Area (CBCA) and is waterfront with a 100-foot buffer. The 1.03-acre property is restricted to a lot coverage area of 15%. The lot currently contains approximately 6,234 square feet (14%) of lot coverage and the proposed additions would add no new lot coverage.

The Director of DEPS may grant a variance to the CBCA regulations in accordance with regulations adopted by the Critical Area Commission concerning variances as set forth in COMAR 27.01.12.04. There are seven (7) criteria listed in COMAR 27.01.12.04 that shall be used to evaluate the variance request. All seven of the criteria must be met in order to approve the variance.

The first criterion requires that special conditions exist that are peculiar to the land or structure, and that literal enforcement of the regulations would result in unwarranted hardship. The majority of the lot and existing dwelling are within the 100-foot buffer. The proposed home addition adds a second floor over the existing home footprint. The garage extension is over existing driveway. Thus, there is no new impact to the buffer. To disallow construction would deny the property owner beneficial use of the property and would result in an unwarranted hardship. Therefore, the first criterion is met.

The second criterion requires that a literal enforcement of the regulations would deprive the applicant of a use of land or a structure permitted to others in accordance with the provisions of the local Critical Area program. Literal enforcement of the regulations would deny the applicant the ability to complete external improvements. This variance would allow for the use

of this property as other properties are used in the immediate area. A similar variance would be granted to another property owner under similar circumstances. Therefore, this criterion is met.

The third criterion requires that granting of a variance will not confer upon an applicant any special privilege that would be denied to other lands or structures within the Critical Area. Many other properties on the surrounding street have existing impacts within the 100-foot buffer, including the subject property. The proposed work would be entirely over existing impacts. The granting of this variance will not confer upon the applicant any special privilege that would be denied to other lands or structures within the Critical Area. Therefore, this criterion has been met.

The fourth criterion requires that a variance is not based upon conditions or circumstances which are the result of actions by the applicant. The primary structure was built in 1941 prior to CBCA regulations and the land is in largely the same condition as it was when purchased in 2022. Therefore, this variance is not based upon conditions or circumstances which are the result of actions by the applicant and/or property owners. Therefore, the fourth criterion has been met.

The fifth criterion requires that the variance request does not arise from any conforming or nonconforming condition on any neighboring property. The variance does not arise from any conforming or nonconforming condition on a neighboring property, and this criterion has been met.

The sixth criterion requires that granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area. The home addition and garage expansion will not add any new lot coverage to the property. There are no impacts to forest, wetlands, or streams associated with this variance. Therefore, this criterion has been met.

The seventh criterion requires that the granting of the variance would be in harmony with the general spirit and intent of the Critical Area law. The granting of this variance will allow the construction of a home addition and garage expansion on the subject property that will be consistent with the surrounding neighborhood. There will be no impacts to forest, wetlands, or streams and no new lot coverage will be added to the property. As such, we find that the granting of this variance would be in harmony with the general spirit and intent of the Critical Area Law. Therefore, this criterion has been met.

Based upon our review, this Department finds that the above criteria have been met, or will be met through implementation of the conditions outlined below. Therefore, the requested variance is hereby approved in accordance with Section 33-2-205 of the Baltimore County Code with the following condition:

1. This note must be added to all subsequent plans for this development project:

“A variance (tracking #07-24-4207) was granted by Baltimore County Department of Environmental Protection and Sustainability from Chesapeake Bay Critical Area requirements to construct a second story home addition and garage expansion over existing driveway within the 100-foot Critical Area Buffer.”

Changes in site layout may require submittal of revised plans and an amended variance request. Please be advised that Baltimore County may not issue a permit for the activity that was the subject of the variance application until the applicable 30-day appeal period has elapsed pursuant to COMAR 27.01.12.07 C.

Please have the party responsible for meeting the conditions of this variance sign the statement on the following page and then return a signed copy of this letter to this Department. Failure to return a signed copy of this letter may result in delays in processing of permits or other development plans for this project. If you have questions regarding this project, please contact Marie Brady at 410-887-3980.

This variance is approved by the Director of the Department of Environmental Protection and Sustainability on \_\_\_\_\_. Any changes to site layout may require submittal of revised plans and a new variance request.

Sincerely,

Horacio Tablada  
Director

HT/mvb

c: Dr. Sarkis and Susan Aghazarian  
Jonathan Coplin, Critical Area Commission (via email)

We have read and agree to implement the above requirements to bring our property into compliance with Chesapeake Bay Critical Area regulations.

\_\_\_\_\_  
Signature Date Signature Date

\_\_\_\_\_  
Printed Name Date Printed Name Date